



**UNITED STATES POSTAL SERVICE
EQUAL EMPLOYMENT OPPORTUNITY
IN THE MATTER OF:**

Willy Wong
3047 Latonia Ave
Pittsburgh, PA 15216-2428
Complainant,

v

Megan J Brennan
Postmaster General
United States Postal Service
Eastern Area
Agency.

Delivery Confirmation Complainant:
9114 9023 0722 4601 4302 46

Delivery Confirmation Representative:
9114 9023 0722 4601 4302 53

Agency Case Number: 4C-150-0094-19

Date Formal Filed: December 20, 2019

ACCEPTANCE FOR INVESTIGATION

The agency acknowledges the receipt of the formal complaint of discrimination referenced above. Enclosed is PS Form 2570, EEO Dispute Resolution Specialist's Inquiry Report. Your complaint has been accepted for investigation. The scope of the investigation will include the following issue(s):

Specific Issue(s) Alleged:¹ You alleged discriminatory harassment based on Race (Spanish), National Origin (Venezuela), Age (DOB: May 28, 1960) and Retaliation (Prior EEO Activity) when:²

- 1) On dates to be specified, management micromanaged you;
- 2) On dates to be specified, you were given an excessive workload and refused assistance;

¹ Under part 29 C.F.R. 1614.105(a)(1), an aggrieved person must initiate contact with an EEO Counselor within 45 days of the date of the matter alleged to be discriminatory. Any discrete acts, such as instances when you were issued disciplinary action, which occurred more than 45 calendar days prior to September 8, 2019 (when you initially contacted the EEO office) are untimely and may not entitle you to remedy for those claims. However, they will be considered as part of the overall harassment claim. See *National Railroad Passenger Corp v. Morgan*, 536 U.S. 101 (2002). Please note that 45 days prior to the date of contact is July 25, 2019.

² It is noted that information related to your discipline can be cited as background information.

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- 3) On July 31, 2019, you were given a pre-disciplinary interview (PDI), and subsequently, on August 14, 2019, you were issued a Letter of Warning (LOW);
- 4) On September 6, 2019, a supervisor made derogatory comments to you in front of a co-worker;
- 5) On September 6, 2019, a supervisor followed you on your route;
- 6) On September 13, 2019, you were given a PDI, and subsequently, on September 16, 2019, you were issued a 7 Day Suspension;
- 7) On October 25, 2019, a supervisor talked to you unprofessionally and threatened to charge you Absent Without Leave (AWOL);
- 8) On a date to be specified in October 2019, you were charged Leave Without Pay (LWOP); and
- 9) On October 30, 2019, you were given a PDI, and subsequently, on November 2, 2019, you were issued a 14 Day Suspension.

NOTE: If your complaint involves an allegation of age discrimination, the Postal Service is required by the Age Discrimination in Employment Act of 1967, as amended, to advise you that you may consult with an attorney should you desire to do so before signing any agreement resolving your complaint of age discrimination.

If you do not agree with the accepted issue(s) as defined above, you must provide a written response specifying the nature of your disagreement within seven (7) calendar days of the date of your receipt of this letter. Your response must be addressed to the EEO Services Analyst who signed this letter at NEEOISO, P. O. Box 21979, Tampa, FL 33622-1979. You are reminded that any notification of disagreement with the defined accepted issues is not an opportunity or forum to raise additional, unrelated allegations of discrimination. Additional unrelated issues must be pursued through the established EEO procedures described in Poster 72 which is displayed on the employee bulletin boards at your local installation.

Your case will be assigned for investigation. Please be prepared to go forward with your case and provide an affidavit when the Investigator contacts you in the near future.

The investigation of the accepted issues will be completed within 180 calendar days of the date of your filing of this complaint, except that you and the Postal Service may voluntarily agree, in writing, to extend the time period up to an additional 90 calendar days. Should you seek to amend the complaint, an amendment, if accepted, will extend the time for processing an additional 180 days from the date of the amendment with the

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total allowable time for processing the complaint and all amendments no more than 360 days.

If you have a grievance pending on the same issue(s) as those addressed in your complaint of discrimination, the agency may, at its discretion, defer the processing of this complaint until the grievance procedure has run its course and there has been a final resolution of the grievance. When an investigation is deferred pending the outcome of the grievance process, the 180-day time period for processing the complaint is stopped temporarily and does not restart until the grievance is resolved. If your complaint is deferred, you will be notified in writing of the options which may be available to you as a result.

When the investigation is completed, you will receive a copy of the investigative report and you will be notified of your right to request a hearing before an Equal Employment Opportunity Commission (EEOC) Administrative Judge or of your right to a final decision by the agency head or designee without a hearing. You may request a final agency decision without a hearing, at the appropriate time, by addressing your request to NEEOISO-FADS, P.O. Box 21979, Tampa, FL 33622-1979.

You may request a hearing before an EEOC Administrative Judge by notifying the District Director of the EEOC in writing at the following address:

Hearings Unit
EEOC Philadelphia District Office
801 Market Street Suite 1300
Philadelphia, PA 19107-3127

You must make your hearing request within 30 calendar days of the date of your receipt of the investigative report and you must provide the NEEOISO-Hearings, P.O. Box 21979, Tampa, FL 33622-1979 with a copy of that hearing request. If you do not receive your investigative report and notification concerning your appeal rights within 180 calendar days from the date on which you filed your formal complaint, you may request a hearing by writing directly to the EEOC District Office noted above, with a copy to the NEEOISO-Hearings, P.O. Box 21979, Tampa, FL 33622-1979.

If you are dissatisfied with the Postal Service's final agency decision where there has been no hearing, or with the Postal Service's final action on the decision of an Administrative Judge following a hearing, you have certain appeals rights. You may appeal to the Office of Federal Operations, Equal Employment Opportunity Commission (EEOC), at the address shown below, within 30 calendar days of the date of your receipt of the final agency decision or you may file a civil action in the appropriate U. S. District Court within 90 calendar days of your receipt of the decision.

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You may also appeal a final action by the Postal Service implementing a decision of an Administrative Judge following a hearing. Such an appeal must be filed within 30 calendar days of the date of your receipt of that final action or you may file a civil action in an appropriate U. S. District Court within 90 calendar days of the date of your receipt of the final action. Finally, you may respond to an appeal by the Postal Service in connection with its final action not to implement a decision of an Administrative Judge following a hearing or you may file a civil action in an appropriate U. S. District Court within 90 calendar days of the date of your receipt of the final action and appeal.

Any appeal to the EEOC should be addressed to the Office of Federal Operations, P.O. Box 77960, Washington, D.C. 20013-8960. Along with your appeal, you must submit proof to the EEOC that copies of the appeal and any supporting documentation were also submitted to NEEOISO-FADS, P.O. Box 21979, Tampa, FL 33622-1979.

After 180 calendar days from the date of filing your formal complaint, you may file a civil action in an appropriate U. S. District Court if the Postal Service has not issued a final decision on your complaint or if no final action has been taken on a decision by an Administrative Judge.

If you have appealed to the Office of Federal Operations, EEOC, you may file a civil action in an appropriate U. S. District Court within 90 calendar days after your receipt of the Office of Federal Operation's decision. If you do not receive a decision on your appeal within 180 calendar days from the date of your appeal, you may file a civil action.

Gil Grim
EEO Services Analyst

January 15, 2020
DATE

Enclosures: PS Form 2570, EEO Dispute Resolution Specialist's (DRS) Inquiry Report
Report of Investigative File Media Selection Form

Cc: Dante Manzini, 3120 Pinehurst Ave, Pittsburgh, PA 15216-2437